

REMARKS

Claims 1 to 96 are pending in the application and are subject to restriction, as follows:

Group	Claims	Subject Matter	Class/Subclass
I	1-11 and 13-40	Bioimplantable device having a therapeutic agent	424/422
II	41 and 84	method of inhibiting/preventing hyperplasia by contact with a prosthetic device	623/1.42
III	42 and 65-87	method of delivery of a therapeutic agent to a target location	424/422
IV	12, 43-83 and 94-96	vascular graft or endograft	623/23/64
V	88 and 89	method of forming a prosthetic graft	623/11.11
VI	90	method of forming a coating of a medial device	427/2.1
VII	91-93	coating applied to a medical device	427/2.1

According to MPEP § 803, there are two criteria for a proper requirement for restriction between patentably distinct inventions:

- (A) The inventions must be independent (see MPEP § 802.01, § 806.04, § 808.01) or distinct as claimed (see MPEP § 806.05 to § 806.05(i)); and
- (B) There must be a serious burden on the examiner if restriction is required (see MPEP § 803.02, § 806.04(a) to § 806.04(i), § 808.01(a), and § 808.02).

Applicants respectfully submit that examining at least Groups I and III together will not produce an undue burden on the Examiner. These Groups reside in the same art class and subclass. It is Applicant's belief that a search of one Group will uncover any relevant art of the other group. Accordingly, applicants traverse the requirement and request reconsideration of the requirement for restriction and the requirement as a provisional election for the purpose of carrying out the search.

However, to be fully responsive, Applicants elect Group I with traverse. In addition, Applicants elect the species stent grafts and a loading scenario with all of the drug loaded in the siloxane modified polyurethane region to use in performing the initial search. Applicants

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believe that claims 1-5, 11, and 15-40 read on the elective species. Claim 1 is believed to be generic.

It is Applicants' understanding that the species election is being made solely to aid the Examiner in conducting an initial search and examination of the claimed subject matter, and is not to be construed as limiting the scope of Applicants' claims. It is Applicants' further understanding that, if the elected species is found to be allowable over the prior art, the search and examination will be expanded to cover additional species, until the examination includes the full scope of the subject matter elected in response to the restriction requirement.

Applicants believe the foregoing constitutes a complete response to the Office Action and submit that all pending claims are in condition for ready allowance. An early Office Action to that effect is, therefore, earnestly solicited.

Respectfully submitted,

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